

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Carver, et al.,

Plaintiffs,

vs.

Bank of New York Mellon, et al.,

Defendants.

No. 15-CV-10180 (JPO)(JLC)

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF PROPOSED CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that upon the Stipulation and Agreement of Settlement dated December 14, 2018 (the "Stipulation") submitted herewith; the Parties' agreed-upon proposed Order Preliminarily Approving Settlement and Providing for Notice and its exhibits attached hereto; the accompanying memorandum of law; and all other papers and proceedings herein, Hedy L. Anselman, David Baumann, Carl Carver, Dante A. Dano, Jr., Edward C. Day, Landol D. Fletcher, Timothy R. Garrett, Dana Kellen, Deborah Jean Kenny, Lisa Parker, Edwin Scheibel, and Daryl Watkins (collectively, "Named Plaintiffs"), in their respective capacities as participants, beneficiaries, and/or trustees of one or more of the seven employee benefit plans named in the First Amended Consolidated Class Action Complaint (Dkt. No. 93), hereby move the Court, under Rule 23 of the Federal Rules of Civil Procedure, for entry of an order:

(i) preliminarily approving the proposed Settlement in the Action; (ii) certifying the Settlement Class and appointing Named Plaintiffs as class representatives and Lead Plaintiffs' Counsel as class counsel, for purposes of the Settlement only; (iii) approving the manner and form of notice of the Settlement to Settlement Class Members; and (iv) scheduling a date and time for the Final

Approval Hearing to consider final approval of the Settlement and related matters.¹ Pursuant to the terms of the Stipulation, this motion is unopposed by Defendants.

Dated: December 14, 2018

Respectfully Submitted,

By: \s\Heather M. McElroy

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Dated: December 14, 2018

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¹ All capitalized terms used herein that are not otherwise defined herein have the meanings ascribed to them in the Stipulation.

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